

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY BATISTA,

Plaintiff,

-v.-

CONSOLIDATED EDISON OF NEW YORK,
INC.,

Defendant.

24 Civ. 00082 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On April 10, 2024, Defendant filed a motion to dismiss the Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure. ECF No. 11. Pursuant to Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a Rule 12(b) motion to amend the complaint once as of right.

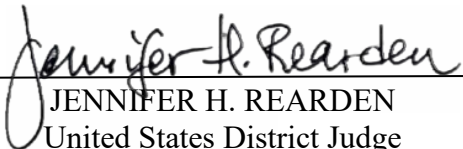
Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **May 1, 2024**. In accordance with Rule 1.D of the Court's Individual Rules and Practices in Civil Cases, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the Complaint to address issues raised by the motion to dismiss.

If Plaintiff amends, then by three weeks after the amended complaint is filed, Defendant shall file (1) an answer, (2) a new motion to dismiss, or (3) a letter stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within 14 days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **May 1, 2024**. Defendant's reply, if any, shall be filed by **May 8, 2024**.

SO ORDERED.

Dated: April 12, 2024
New York, New York


JENNIFER H. REARDEN
United States District Judge